

Attorney Docket No.: ISPH-0519
Inventors: Monia et al.
Serial No.: 09/715,983
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the gene to varying degrees. The Examiner suggests that a search of more than one of the antisense sequences claimed in claim 3 presents an undue burden on the Patent and Trademark Office. The Examiner has required Applicants to elect one sequence. Applicants respectfully traverse this restriction requirement.

MPEP §803 is quite clear; for a proper restriction requirement, it must be shown (1) that the inventions are independent or distinct AND (2) that there would be a serious burden on the Examiner if the restriction is not required. MPEP §802.01 defines "distinct" to mean that the "two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made there, etc., but are capable of separate manufacture, use, or sale, as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER."

As acknowledged by the Examiner, all of the identified SEQ ID NOS of claim 3 share the ability to modulate a common structure, namely PI3k p85. Thus, Applicants respectfully disagree that the Groups set forth by the Examiner are distinct as being novel and unobvious over each other, as required by MPEP § 802.01. Accordingly, reconsideration and withdrawal of the single species


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election requirement of the sequences recited in claim 3 is respectfully requested.

However, in an earnest effort to be completely responsive, Applicants hereby elect to prosecute SEQ ID NO: 1, with traverse. Claim 1 has been amended and claim 3 has been canceled to clarify that the claimed invention is a compound targeted to a single disclosed species of PI3K p85, namely, SEQ ID NO: 1. Support for this amendment is found throughout the specification and at page 88. Applicants believe that these amendments satisfy the requirements of this Restriction Requirement, as only a single species of PI3k p85 is now claimed.

Attached hereto is a marked up version of the changes made to the claims by the current amendment. The attached page is captioned "Version With Markings to Show Changes Made."

Respectfully submitted,


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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claim 3 has been canceled.

Claim 1 has been amended as follows:

1. (amended) An antisense compound 8 to 30 nucleobases in length targeted to a nucleic acid molecule encoding human PI3K p85 (SEQ ID NO: 1), wherein said antisense compound specifically hybridizes with and inhibits the expression of human PI3K p85.